

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINARECEIVED
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2013 DEC 31 P 12:29

Larold Lee Morris, #37545,


Plaintiff,

v.

Becky Holland, Chad Hooper, Officer
Lockaby, Officer Sewell,

Defendants.


Civil Action No. 5:12-2264-SB

ORDER


This matter is before the Court upon the Plaintiff's pro se complaint, which was filed pursuant to 42 U.S.C. § 1983. On June 28, 2013, the Defendants filed a motion to dismiss, or in the alternative, for summary judgment. In accordance with Local Rule 73.02(B)(2)(a), the matter was referred to a United States Magistrate Judge for preliminary review. The Magistrate Judge issued an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Plaintiff of the summary judgment procedure and instructing him to respond to the Defendants' motion. The Plaintiff filed a response to the Defendants' motion on July 18, 2013, and the Defendants filed a reply on July 29, 2013. On December 6, 2013, United States Magistrate Judge Kaymani D. West issued a report and recommendation ("R&R"), considering the issues and recommending that the Court grant in part and deny in part the Defendants' motion for summary judgment. Specifically, Magistrate Judge West recommended that the Court grant the Defendants' motion as to Defendant Holland, noting that the Plaintiff's case against her should be dismissed with prejudice; and the Magistrate Judge recommended that the Court deny the Defendants' motion with respect to Defendants Hooper, Lockaby, and Sewell. Attached the R&R was

a notice advising the parties of their right to file written, specific objections to the R&R within fourteen days of receiving a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).


 Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court **adopts the R&R** (Entry 69) and incorporates it herein, and it is

ORDERED that the Defendants’ motion for summary judgment (Entry 63) is granted in part and denied in part. Specifically, the Defendants’ motion is granted with respect to Defendant Holland, and the Plaintiff’s case against her is dismissed with prejudice. The Defendants’ motion for summary judgment is denied as to Defendants Hooper, Lockaby,

and Sewell.

AND IT IS SO ORDERED.

December 30, 2013
Charleston, South Carolina


Sol Blatt, Jr.
Senior United States District Judge

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